

CONGRESSIONAL RECORD SUMMARY

Thursday, November 8, 2001

SENATE

Measures Introduced:

S. 1655. A bill to *amend title 18, United States Code*, to prohibit certain interstate conduct relating to exotic animals; to the Committee on the Judiciary.

Biden

Pages S 11611, S 11612-13

S. 1658. A bill to *improve Federal criminal penalties* on false information and terrorist hoaxes; to the Committee on the Judiciary.

Schumer

Pages S 11611, S 11613-14

S. 1659. A bill to *provide criminal penalties* for communicating false information and hoaxes; to the Committee on the Judiciary.

Hutchinson

Pages S 11612, S 11614-15

S. 1661. *A bill to set up a certification system for research facilities that possess dangerous biological agents and toxins, and for other purposes; to the Committee on the Judiciary.*

"... The legislation I am introducing expands upon the antiterrorism bill Congress passed and the President signed just days ago. That bill prohibited an individual from possessing anthrax or other potential weapons of bioterror unless the individual could show legitimate purpose for holding the substance once caught. This standard of 'legitimate purpose;' is not defined, and will put the burden on courts and law enforcement to determine what a 'legitimate purpose' is. The fact is that current law still does not adequately prevent individual possession of these dangerous agents..."

Feinstein

Pages S 11612, S 11615

S. 1665. A bill *amend title 18, United States Code*, with respect to false information regarding certain criminal violations concerning hoax reports of biological, chemical, and nuclear weapons; to the Committee on the Judiciary.

Biden

Pages S 11612, S 11616-17

S. 1666. A bill to *prevent terrorist hoaxes and false reports*; to the Committee on the Judiciary.

Leahy

Pages S 11612, S 11617-18

Measures Reported:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2002." (Senate Report No. 107-95)

Report to accompany S. 1319, to authorize appropriations for the Department of Justice for fiscal year 2002. (Senate Report No. 107-96)

S. 1459, *to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the "James A. McClure Federal Building and United States Courthouse."*

S. 1630, *to extend for 6 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.*

S.J. Res. 28, suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Pages S 11611, D 1117

Measure Passed:

Intelligence Authorization Act: By a unanimous vote of 100 yeas (Vote No. 332), *Senate passed H.R. 2883*, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, *after striking all after the enacting clause and inserting in lieu thereof the text of S. 1428 (Senate companion measure)*, and after agreeing to the committee amendments and the following amendments proposed thereto:

Pages S 11568-90, D 1117

See Page S 11569: SEC. 303. JUDICIAL REVIEW UNDER FOREIGN NARCOTICS KINGPIN DESIGNATION ACT.

Section 805 of the Foreign Narcotics Kingpin Designation Act (title VIII of Public Law 106-120; 113 Stat. 1629; 21 U.S.C. 1904) is amended by striking subsection (f).

Adopted:

Graham/Shelby Amendment No. 2115 (to Amendment No. 2114), of a perfecting nature.

Pages S 11583, D 1117

Smith (NH) Amendment No. 2114, to provide for new procedures for the removal of alien terrorists and the protection of United States citizens from international terrorism.

Pages S 11576-83, D 1117

SEC. _____. ALIEN TERRORIST REMOVAL ACT OF 2001

(a) Short Title.--This section may be cited as the "Alien Terrorist Removal Act of 2001".

(4) The Court is comprised of 5 United States District Judges who are designated by the Chief Justice of the United States to hear cases in which the United States seeks the removal of alien terrorists.

Graham Amendment No. 2116, to instruct the Director of Central Intelligence to provide any technical modifications to existing legal authorities needed to facilitate Intelligence Community counterterrorism efforts.

Pages S 11583, D 1117

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Graham, Levin, Rockefeller, Feinstein, Wyden, Durbin, Bayh, Edwards, Mikulski, Shelby, Kyl, Inhofe, Hatch, Roberts, DeWine, Thompson, and Lugar; and from the Committee on Armed Services: Senators Reed and Warner.

Pages S 11592, D 1117

H.R. 2620. VA/HUD Appropriations--Conference Report:

By 87 yeas to 7 nays (Vote No. 334), *Senate agreed to the conference report on H.R. 2620*, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, *clearing the measure for the President.*

Pages S 11594-S 11603, D 1118

Nomination--Agreement:

A unanimous-consent-time agreement was reached providing for the consideration of the nomination of Edith Brown Clement, of Louisiana, to be United States Circuit Judge for the Fifth Circuit, at 2:15 p.m., on Tuesday, November 13, 2001, with a vote on confirmation of the nomination to occur at 2:30 p.m.

Pages S 11590, D 1118

Nominations Confirmed:

Senate confirmed the following nominations:

By unanimous vote of 98 yeas (Vote No. 333), Terry L. Wooten, of South Carolina, to be United States

District Judge for the District of South Carolina.

Pages S 11590-2, D 1118

Jay B. Stephens, of Virginia, to be *Associate Attorney General*.

Pages S 11635, D 1118

Nominations Received:

Senate received the following nominations:

David W. McKeague, of Michigan, to be **United States Circuit Judge for the Sixth Circuit**, vice Richard F. Suhrheinrich, retired.

Susan Bieke Neilson, of Michigan, to be **United States Circuit Judge for the Sixth Circuit**, vice Cornelia G. Kennedy, retired.

Henry W. Saad, of Michigan, to be **United States Circuit Judge for the Sixth Circuit**, vice James L. Ryan, retired.

Ralph R. Beistline, of Alaska, to be **United States District Judge for the District of Alaska**, vice Russel Holland, retired.

Pages S 11635, D 1118

Executive Communication:

EC-4539. *A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation entitled “Money Laundering Act of 2001;” to the Committee on the Judiciary.*

Page S 11611

Committee Meetings:

Committee on Environment and Public Works: Committee ordered favorably reported the following business items: **S. 1459**, *to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the “James A. McClure Federal Building and United States Courthouse;”* **S. 1624**, *to establish the Office of World Trade Center Attack Claims to pay claims for injury to businesses and property suffered as a result of the attack on the World Trade Center in New York City that occurred on September 11, 2001, with an amendment in the nature of a substitute.*

Pages D 1119-20

Committee on the Judiciary: *Committee ordered favorably reported the following business items: S. 1630, to extend for 6 additional months the period for which chapter 12 of title 11, United States Code, is reenacted; and the nominations of Terry L. Wooten, to be United States District Judge for the District of South Carolina, and John P. Walters, of Michigan, to be Director of National Drug Control Policy.*

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HOUSE

Bills Introduced:

H.R. 3255. A bill to respond to the threat of bioterrorism; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, Transportation and Infrastructure, Armed Services, Science,

Intelligence (Permanent Select), International Relations, Agriculture, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Menendez

Page H 7959

H.R. 3266. A bill to *amend title 18, United States Code*, to prohibit unauthorized trafficking in personal DNA information, and for other purposes; to the Committee on the Judiciary.

Rivers

Page H 7959

H. Res. 282. A resolution designating minority membership on certain standing committees of the House; *considered and agreed to.*

Frost

Page H 7959

H. Res. 283. A resolution designating majority membership on certain standing committees of the House; *considered and agreed to.*

Armey

Page H 7959

H.R. 3061. Labor, HHS, and Education Appropriations--Go to Conference:

The House disagreed with the Senate amendment to H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and agreed to a conference. Appointed as conferees: Chairman Young of Florida and Representatives Regula, Istook, Dan Miller of Florida, Wicker, Northup, Cunningham, Granger, Peterson of Pennsylvania, Sherwood, Obey, Hoyer, Pelosi, Lowey, DeLauro, Jackson of Illinois, and Kennedy of Rhode Island.

Pages H 7916-18, H 7942, D 1121

H.R. 2944. District of Columbia Appropriations Act--Go to Conference:

The House disagreed with the Senate amendment to H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and agreed to a conference. Appointed as conferees: Chairman Young of Florida and Representatives Knollenberg, Istook, Cunningham, Doolittle, Sweeney, Vitter, Obey, Fattah, Mollohan, and Olver.

Pages H 7918-19, D 1121

Agreed to the Fattah motion to instruct conferees to insist on the House position regarding assistance with Federal funds for education and training programs in the District of Columbia.

Pages H 7919, D 1121

Late Report--H.R. 2500. Commerce, Justice, State Appropriations:

Conferees received permission to have until Midnight on Friday, Nov. 9 to file a conference report on H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002.

Pages H 7918, D 1121

H.R. 2620. VA, HUD Appropriations Conference Report:

The House agreed to the conference report on H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, by a yea-and-nay vote of 401 yeas to 18 nays, Roll No. 434.

Pages H 7919-41, D 1121

Earlier, the House agreed to H. Res. 279, the rule that waived points of order against the conference report by voice vote.

Pages H 7919, D 1121

H.R. 2500. Commerce, Justice, State Appropriations--Motion to Instruct Conferees:

The House completed debate on the Rohrabacher motion to instruct conferees on H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies to insist on language contained in Section 626 of the House-passed bill and Section 623 of the Senate amendment, prohibiting the use of funds in the bill by the Justice Department or the State Department to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or force labor. Further proceedings on the motion were postponed.

Pages H 7945-50, D 1122

"... In his recent decision, Judge William F. McDonald rejected all arguments by the State Department that such a court hearing, in terms of a hearing of our own POWs' requests for compensation from these Japanese companies that enslaved them, Judge McDonald decided that this would not violate the treaty which ended World War II, although what we have been hearing over and over and over again in this town is, my gosh, we cannot permit our greatest war heroes, the survivors of the Bataan Death March to sue the Japanese corporations that used them as slave labor in the war, because this would violate the treaty that ended the war. Well, already we have a judge suggesting, a Federal judge suggesting that that argument does not hold water, and a reading of the treaty itself suggests that that does not hold water. What do we have, then? We have a situation where this judge, a neutral party, an American judge, has decided that our POWs under the treaty have the right to file a claim in court..." (Rohrabacher, page H 7945)

Committee Meetings:

Committee on Financial Services: Subcommittee on Oversight and Investigations and the Subcommittee on Social Security of the Committee on Ways and Means held a joint hearing on preventing the identity theft by terrorists or criminals.

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held an oversight hearing on *"Intellectual Property Litigation."*

Page D 1122

Committee Meetings (Cont'd.):

Committee on Science: Held a hearing on the Decontamination of Anthrax and Other Biological Agents.

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held an oversight hearing on Right-to-Know after September 11th.

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Joint Committee Meeting:

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002.

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Committee Meeting For Friday, November 9, 2001:

Committee on Government Reform, @ 10:00 a.m. Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations, hearing on “*Computer Security in the Federal Government: How do the Agencies Rate?*” 2154 Rayburn.

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Next SENATE MEETING: Friday, 10:00 a.m., November 9, 2001.

Next HOUSE MEETING: Friday, 10:00 a.m., November 9, 2001.

OLA: S. Schwarz (Smith)